(3)

of 4001

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 2756 /2002

PETITIONERS : 1) Chandra Bhushan Pandey
S/o Late R.S. Pandey,
Aged about 40 years,
R/o Azad Nagar, Mashanganj,
Bilaspur, Distt. Bilaspur.

2) Gopal Mishra S/o S.N. Mishra,
Aged about 39 years,
R/o Opp.Khaparganj School,
Lajpat Rai Nagar,Bilaspur
Distt. Bilaspur (CG).

3) Girish Yadav
S/o Ram Narayan Yadav,
Aged about 41 years,
R/o Near the house of
Shri Ashok Rao,Gondpara,
Bilaspur, Distt.Bilaspur (CG)

4) Basant Chouksey
S/o Hariram Chouksey,
Aged about 38 years,
R/o Near the Temple of Ghoghababa
Bilaspur, Distt. Bilaspur (CG).

All are working as Lecturer posted at Lal Bahadur Shastri Higher Secondary School, Bilaspur, Distt. Bilaspur (CG).

P.R. No. 2nd Floor
Presented by Shri S.Verma
dated 09.12.02

VERSUS

RESPONDENTS : 1) State of Chhattisgarh
Through the Secretary,
Local Self Department,
DKS Bhawan, Raipur (CG).

2) The Director,
Local Self Department,
Raipur (CG).

3) Municipal Corporation Bilaspur
Through the Commissioner,
Municipal Corporation,Bilaspur.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2756 of 2002

Petitioner : Chandra Bhushan Pandey & others

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri P.S. Koshy, Advocate for the Petitioners.

Shri Sushil Dubey, Deputy Government Advocate for the respondents No. 1 and 2.

Shri A.S. Kachwaha, counsel for the respondent No. 3.

ORAL ORDER

(10th July, 2006)

1. The present petition filed under Article 226/227 of the Constitution of India, seeks a writ of mandamus/any other writ for grant of pay scale of the post of Lecturer from the date the petitioner was promoted on the post of Lecturer. It was further prayed that the difference of salary paid to the petitioner and salary of the post of Lecturer be also paid with interest to the petitioner.

2. The relevant facts in nutshell are that initially the petitioners were appointed on the post of Upper Division Teacher on 21.7.1986 (Annexure A/1), 10.7.1986 (Annexure A/2), 8.7.1986 (Annexure A/3) and 24.8.1986 (Annexure A/4) respectively and subsequently, by order dated 9.11.1987 (Annexure A/5) they were confirmed after obtaining approval from the Public Service Commission.

(175)

3. Thereafter, during pendency of this writ petition, the petitioners were promoted to the post of Lecturer from the post of Upper Division Teacher by order dated 16.7.1997 (Annexure A/9).

4. Learned counsel for the petitioner submits that the identical issue involved in the case of Smt. Kavita Tiwari Vs. State of Chhattisgarh & another in W.P. No. 4003 of 2003, was decided by this Court and the writ petition was allowed with following direction :-

> "16. For the reasons stated above, the petition succeeds and is allowed. The respondent No. 3 is directed to pay the difference of salary of the pay, the petitioner was receiving from 16.7.1997 and the pay of Lecturer, revised from time to time, till her date of retirement i.e. 30th April, 2005, with interest at the rate of 6% per annum."

5. Learned counsel appearing for the respondents do not dispute the facts.

6. In view of the afore-mentioned reasons, this petition is also allowed in the terms of the order dated 29th March, 2006 passed by this Court in W.P. No. 4003 of 2003 (Smt. Kavita Tiwari Vs. State of Chhattisgarh & another). No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu